

Explanation: This ordinance amends Chapter 185, Vehicles and Traffic, of the Code of the Borough of Rocky Hill by adding two new Articles on “Intersection Sight Distances” and on “Parking on the Borough Hall Parking Lot when Snow Covered” to address concerns regarding pedestrian and traffic safety at intersections of a stop-controlled road entering a through road and in public parking areas.

Borough of Rocky Hill

Ordinance # 4, 2010

AN ORDINANCE AMENDING CHAPTER 185, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF ROCKY HILL BY ADDING TWO NEW ARTICLES ON “INTERSECTION SIGHT DISTANCES” AND ON “PARKING ON THE BOROUGH HALL PARKING LOT WHEN SNOW COVERED” TO ADDRESS CONCERNS REGARDING PEDESTRIAN AND TRAFFIC SAFETY AT INTERSECTIONS OF A STOP-CONTROLLED ROAD ENTERING A THROUGH ROAD AND IN PUBLIC PARKING AREAS.

BE IT ORDAINED, by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, that Chapter 185 of the Code of the Borough of Rocky Hill, titled “Vehicles and Traffic” is hereby amended as follows:

Section 1. Add an Article X entitled “Intersection Sight Distances” to read as follows:

§185-23. Sight Distance Requirement

- A. Owners of properties abutting a stop-controlled road entering a through road at intersections within the Borough shall maintain a sight triangle for vehicles entering the through road as necessary and expedient for the preservation of public safety, as set forth below.
- B. No obstruction to a sight triangle for vehicles, such as walls, fences, trees, brushes, hedges or other plant life on the properties as defined in **§185-23 A** above, shall be greater in height than thirty (30”) inches within ten (10’) feet of the stop controlled road and within twenty five (25’) feet of any intersection. Further, if the Borough Engineer determines that a height of thirty inches (30”) at any given intersection because of its topology still constitutes a safety hazard to

the passage of traffic, a lower maximum height will be established by resolution of the Borough Council for the properties that abut the specific stop controlled road.

- C. The area noted in **§185-23 B** above shall also be unobstructed to a height of eight feet (8') above the ground. Trees and other similar vegetation shall be pruned and maintained at a height of eight feet (8') above the ground.

§ 185-24. Notice of Violation.

If any property is in violation of the provisions of **§185-23** above, the property owner shall be noticed of such fact by the Borough Constable. Thereafter, such property owner shall have ten (10) days after notice to correct such violation.

§ 185-25. Issuance of Summons or Complaint.

If such property owner shall fail to correct the violation of this Article within ten (10) days of the Borough Constable's notice of violation, it shall be the responsibility of the Borough Constable to issue a summons or complaint to the owner of the property for the violation of **§185-23**. Such summons or complaint shall be heard by the Municipal Court of the Borough of Rocky Hill.

§ 185-26. Continued Noncompliance.

In the event that the property owner continues to violate **§185-23**, the Borough Constable may issue a summons or complaint to the owner of the property ten (10) days after the initial notice of violation, and every seven (7) days thereafter. Each such summons or complaint shall be considered a separate and distinct violation.

§ 185-27. Removal by Borough; cost charged to property owner; collection.

- A. In case the property owner shall neglect or refuse to eliminate the cause of the violation within ten (10) days after notice to remove the same, the Borough of Rocky Hill may cause removal of the same.
- B. In all cases where said violation is remediated by the Borough of Rocky Hill under and by virtue of the provisions of this Article, the Clerk of the Borough of Rocky Hill shall certify the cost thereof to the Borough of Rocky Hill Council which shall thereupon examine the certificate and, if found correct, shall cause the cost as shown therein to be charged against the property.
- C. The amount so charged shall forthwith become a lien upon such land and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

§ 185-28. Violations and penalties.

Any person who violates any provision of this Article shall, upon conviction, be punished as provided in Chapter 1, General Provisions, Article I, General Penalty, herein. Each such summons or complaint shall be considered a separate and distinct violation.

Section 2. Add an Article XI entitled “Parking on the Borough Hall Parking Lot when Snow Covered” to read as follows:

§ 185-29. Parking Prohibited.

- A. Parking of any vehicle on any portion of the Borough Hall Parking Lot, located at 15 Montgomery Avenue, is prohibited whenever snow has fallen and the accumulation is such that it covers the Parking Lot.
- B. Said parking prohibition shall remain in effect after the snow has ceased and until the Parking Lot has been plowed.
- C. As used in this **§185-29**, the term snow shall mean any precipitation depositing any accumulation on the Parking Lot, including snow, sleet, hail, or freezing rain.
- D. Regulatory and warning signs shall be erected and maintained at the entrance of the Parking Lot.
- E. Any unoccupied vehicle parked or standing in violation of this section shall be deemed a nuisance, and any police officer or Borough Constable may provide for the removal of such vehicle. The owner of such vehicle shall pay the costs of the removal and storage that may result from such removal, before regaining possession of such vehicle.
- F. In the event that a vehicle must be towed, Chapter 178, entitled Towers and Towing, applies.

§ 185-30. Violations and penalties.

Any person who violates any provision of this Article shall, upon conviction, be punished as provided in Chapter 1, General Provisions, Article I, General Penalty, herein. Each violation shall be considered a separate offense.

Section 3. Should any provision of this Ordinance be determined invalid by a court or administrative tribunal of competent jurisdiction, such determination shall not affect the remaining provisions.

Section 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:

Rebecca P. Newman
Acting Borough Clerk

Edward Zimmerman, Mayor

Introduced: August 16, 2010
Public Hearing Scheduled: September 20, 2010
Adopted: September 20, 2010

CERTIFICATION

I, Rebecca P. Newman, Acting Clerk of the Borough of Rocky Hill, do hereby certify the foregoing to be a true and correct copy of an ordinance introduced by the Borough Council of the Borough of Rocky Hill on August 16, 2010.

Rebecca P. Newman
Acting Borough Clerk